REMARKS

Applicants have amended claims 1 and 11 and cancelled claims 3, 4, 13, 14 and 21-30. Claims 2, 5-10, 12 and 15-20 are presented in original dependent form.

In the aforementioned Office Action, original claims 1-30 were rejected under 35 U.S.C. 102(b) as being anticipated by Sato et al. (US 5,979,405). In making that rejection, the Examiner stated:

> Sato et al. discloses a throttle control device comprising: a throttle body defining an intake passage; a throttle valve (5) rotatably arranged in the intake passage; a motor (2) for rotating the throttle valve, the motor having a motor casing, with one axial end portion and an other axial end portion; a first support device (6,7) supporting the one axial end portion (1A) of the motor casing fixedly on the throttle body; and a second support device (9) supporting the other axial end portion of the motor casing on the throttle body resiliently with respect to a radial and axial directions of the motor, the second support device (9) is disclosed as an elastic member having a substantially ring-like resilient support member (col. 3, lines 3-8, 38-46), claim 6. Alternatively, the support member 9 comprises an O-ring 9A (col. 3, lines 47-55).

Amended claim 1 now calls for:

> a second support <u>device supporting the other axial end portion of the motor casing on the throttle body resiliently with respect to both of</u> a radial direction <u>and an axial direction</u> of the motor <u>casing, while the second support device being resiliently compressed with respect to both of the radial direction and the axial direction between the other axial end portion of the motor</u>

casing and the throttle body wherein the second support device has a substantially ring-like resilient support member.

It is respectfully submitted that this concept is not disclosed by Sato et al. Further, amended claim 11 calls for:

b) inserting the motor into the throttle body, starting with the other end portion with the support member attached thereto to support other axial end portion of the motor casing on the throttle body via the second support device resiliently with respect to both of the radial direction and the axial direction of the motor, while the second support device being resiliently compressed with respect to both of the radial direction and axial direction between the other end portions of the motor casing and the throttle body;

It is respectfully submitted that this concept is not disclosed or suggested by Sato et al.

To be more specific, Sato et al teaches an O-ring 9 and a backup-ring 10 disposed between the axial end portion of the motor casing and the throttle body. However, Sato et al. does not teach that the O-ring 9 is resiliently compressed with respect to both of a radial direction and an axial direction of the motor casing. Although, the O-ring 9 may be naturally resiliently compressed in a radial direction, there is no suggestion that the O-ring 9 may be compressed in the axial direction, nor that the O-ring 9 applies to biasing force in the axial direction. With regard to the backup-ring 10, the function of the backup-ring 10 is to prevent torsion and other movement of the O-ring 9 as described column 3, lines 29-36. Therefore, the O-ring can be reliably positioned not to cause torsion or displacement during the mounting operation. The backup-ring is not intended to actually compress the O-ring.

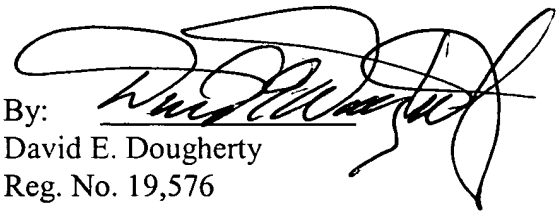
Further, it is applicants' contention that the rejection under 35 U.S.C. 102(b) be withdrawn. This contention is supported by the Manual of Patent Examining Procedure, § 2131. As stated therein:

> TO ANTICIPATE A CLAIM, THE REFERENCE MUST TEACH EVERY ELEMENT OF THE CLAIM.
>
> "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference." *Verdegaal Bros v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained the . . . claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required. *In re Bond,* 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990). Note that, in some circumstances, it is permissible to use multiple references in a 35 U.S.C. 102 rejection. See MPEP § 2131.01.

Accordingly, it is applicants' contention that the amended and dependent claims should be allowed. Therefore, prompt favorable action is requested.

Respectfully submitted,

December 20, 2004
Date

By: 
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